**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**ORDINARY ORIGINAL CIVIL JURISDICTION**

**CHAMBER SUMMONS NO.617 OF 2006**
**IN**
**SUIT NO.18 OF 1985**

Nandkumar Krishnaji Saple ...Plaintiff

Versus

Manohar Krishnaji Saple & Ors. ...Defendants

Shri Z.A.Jariwala i/by M/s.Thakore Jariwala for the Defendant No.1 in support of Chamber Summons.

Shri R.D.Soni for the Defendant No.7.

**CORAM : ABHAY S.OKA, J.**
**DATED : AUGUST 22, 2007.**

**P.C.:**

1. Heard learned counsel appearing for the first Defendant in support of Chamber Summons. He states that the Chamber Summons has been duly served to all the concerned parties. Shri R.D. Soni, learned counsel appearing in another Chamber Summons states that the present Chamber Summons is not addressed to his clients.

2. The learned counsel for the first Defendant has invited my attention to decree passed in the suit as well as further order dated 04th September, 2000 passed by this Court. The prayer (b) is for directing the Commissioner for taking Accounts to sell and dispose of the business of Ramkrishna Printing Press together with goodwill and all its assets. The order dated 04th

September, 2000 passed by this Court records that the parties agreed not to press for disposal of the said Ramkrishna Printing Press by auction by the Commissioner for taking Accounts. If prayer (b) is to be considered, the first Defendant will have to apply for modification of order dated 04th September, 2000. Unless the order dated 04th September, 2000 is modified, prayer (b) cannot be considered.

3. In view of the averments made in the Chamber Summons and in view of the documents annexed to the Chamber Summons, prayer (a) will have to be granted with a modification that the amount shall be distributed as per respective shares of the parties in accordance with the decree passed in the suit. Prayer clause (b) of the Chamber Summons is not granted.

4. Accordingly, Chamber Summons is made absolute in terms of prayer clause (a) subject to aforesaid modification.

**JUDGE**